

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOE HUNSINGER, on behalf of himself and)	
others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:16-cv-00162-DDN
)	
GORDMANS, INC., a Delaware corporation,)	
)	
Defendant.)	

JOINT STIPULATION TO DISMISS CASE

The Parties hereby stipulate, agree and request this Court to enter an order dismissing this matter with prejudice pursuant to F.R.Civ.P. 42(a)(1)(A)(ii) with the parties to bear their own costs. In support of this motion, the Parties state as follows.:

1. In this lawsuit, Plaintiff asserts a Telephone Consumer Protection Act (“TCPA”) claim on behalf of himself and others similarly situated.
2. After this case was filed, Defendant filed its petition seeking bankruptcy protection in the United States Bankruptcy Court for the District of Nebraska in case number 17-80304.
3. On August 11, 2017 Defendant filed its Joint Plan of Liquidation pursuant to Chapter 11 of the Bankruptcy Code.
4. Defendant’s Joint Plan of Liquidation was approved by the bankruptcy court on October 18, 2017.
5. Pursuant to the Joint Plan of Liquidation, Plaintiff was a general unsecured creditor.

6. The Joint Plan of Liquidation approved by the Bankruptcy Court had the effect of extinguishing the claim in this case other than in the context of the bankruptcy case.
7. Based upon these factors, the Parties hereby stipulate to dismissal of this case with prejudice with the parties to bear their own costs.
8. A proposed Order is attached hereto.

WHEREFORE, for the foregoing reasons, the Parties hereby move for this Court's Order dismissing this case with prejudice with the parties to bear their own costs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2018, the foregoing was filed electronically with the Clerk of Court, with service by operation of the Court's electronic filing system to all those individuals currently electronically registered with the Court.

/s/ Jonathan E. Fortman